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C O N F I D E N T I A L TASHKENT 001227

SIPDIS

DEPT FOR SCA, DRL, G/TIP, AND DOL
DOL/ILAB FOR SEROKA MIHAIL, DRL/ILCSR FOR ALFRED ANZALDUA,
G/TIP FOR MEGAN HALL, SCA FOR JESSICA MAZZONE AND BRIAN
RORAFF

E.O. 12958: DECL: 10/24/2018
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [ECON](#) [ELAB](#) [KWMN](#) [KCRM](#) [SOCI](#) [KZ](#) [UZ](#)
SUBJECT: KAZAKHSTANI NGOS DISCUSS LABOR MIGRATION,
TRAFFICKING, AND CHILD LABOR

REF: TASHKENT 1149

Classified By: POLOFF R. FITZMAURICE FOR REASONS 1.4 (B, D)

11. (C) Summary: During a five-day trip to Uzbekistan and southern Kazakhstan on September 29 - October 3, G/TIP Foreign Affairs Officer Megan Hall met with Kazakhstani NGOs to discuss labor migration, human trafficking, and child labor issues. The president of an anti-trafficking NGO in Shymkent, Kazakhstan observed that labor migration from Uzbekistan was increasing and explained how migrants fall victim to trafficking for both labor and sexual exploitation.

She reported some cooperation with local Kazakhstani authorities and noted one recent case in which a trafficker was imprisoned by Uzbek authorities. She also bemoaned the lack of a shelter for trafficking victims in southern Kazakhstan. In addition, the NGO president reported that most incidences of child labor in southern Kazakhstan involved Uzbek children coming across the border with their parents to work in agriculture.

12. (C) Hall also met with the head of an NGO for Kazakh farmers, who maintained that labor migration had decreased due to stricter border controls and argued that conditions were improving for Uzbek labor migrants. While he acknowledged some Uzbek migrants were mistreated, he believed that the vast majority of migrants were not trafficked. The somewhat contrasting views provided useful perspectives on the close overlap between labor migration, human trafficking, and child labor in southern Kazakhstan. While the efforts of NGOs are critical for raising awareness among Uzbek migrants of their legal rights, both the Uzbek and Kazakhstani governments clearly have a greater role to play in coordinating their efforts to protect labor migrants, prosecute traffickers, aid victims, and collect statistics. End summary.

MEETING WITH KAZAKHSTANI ANTI-TRAFFICKING NGO

13. (C) On October 3, Hall met with Khadicha Abysheva, the President of the "Sana Sezim" Legal Center for Women's Initiatives, in Shymkent, Kazakhstan. Her NGO has been working on human trafficking, labor migration, child labor, domestic violence, and women's rights issues in southern Kazakhstan since 2001 and has received funding over the years from the U.S. Embassy in Kazakhstan, the European Commission, the Open Society Institute, and the International Labor Organization (ILO).

14. (C) Abysheva's organization seeks to raise awareness regarding human trafficking and provide services to victims. It operates separate 24-hour hotlines for trafficking victims, domestic violence victims, and labor migrants. Volunteers of the organization, some of whom are former Uzbek trafficking victims, also distribute literature at border posts and labor markets (see para 6) to Uzbek labor migrants explaining their legal rights in Kazakhstan. Sana Sezim also conducts trainings for local law enforcement on how to recognize trafficking victims, which reportedly has resulted in increased sensitivity towards victims.

15. (C) Sana Sezim also cooperates with the International Organization for Migration's (IOM) office in Tashkent (which is officially registered as a local NGO, Istiqbolli Avlod) and its partner NGOs in Uzbekistan's provinces to assist the return of trafficking victims. On October 2, Hall met with the head of IOM's partner NGO in Uzbekistan's Jizzakh province, who reported receiving assistance from Sana Sezim in repatriating several sex trafficking victims.

LABOR MIGRATION VERSUS TRAFFICKING

16. (C) Abysheva reported that Kazakhstan, which used to be primarily a transit country for human trafficking, was becoming more and more a destination country, especially for Uzbeks trafficked for labor exploitation. Abysheva observed that it is often difficult in many cases to distinguish labor migration from trafficking, as the two were closely linked.

She explained that Uzbeks make up the largest contingent of labor migrants in southern Kazakhstan and that their numbers are growing. She noted that few Uzbek labor migrants knew their legal rights in Kazakhstan and were therefore easily exploited by Kazakhstani employers, who sometimes hold their identity documents, and Kazakhstani law enforcement, who demand bribes from them. According to Abysheva, many Uzbek labor migrants are desperate for work and are willing to endure difficult living conditions in Kazakhstan, even returning to the country after they have been previously cheated or even beaten by Kazakhstani employers. She said that there were no solid statistics on the exact number of Uzbek labor migrants and trafficking victims in southern Kazakhstan.

"BUYING AND SELLING" OF UZBEK LABOR MIGRANTS

17. (C) Abysheva reported that Uzbek laborers are usually recruited inside Uzbekistan by fellow Uzbeks, who then shepherd them across the border in groups of 50 or more. Even though most labor migrants legally enter Kazakhstan, recruiters still reportedly bribe customs and immigration officials from both countries to facilitate the process. Once across the border, the Uzbeks are then brought to labor markets, where they are "sold" to Kazakhstani employers (Note: Similar labor markets, or "mardikors," are wide-spread in Uzbekistan. While many "mardikors" in Uzbekistan are legitimate places for individuals to find work, there reportedly have been cases of individuals being trafficked internally in Uzbekistan through them for both labor and sexual exploitation. End note.) At some border posts, Uzbeks migrants are allegedly locked inside of buildings until the negotiations between recruiters and employers are

complete. Some Uzbeks are then loaded onto buses headed to construction sites in Astana and Almaty, while most remain in southern Kazakhstan to work in agriculture.

18. (C) According to Abysheva, it was impossible to determine the number of Uzbek labor migrants who become trafficking victims. However, she noted that at least a portion of the Uzbeks are mistreated or not paid by their Kazakhstani employees, which, in her view, made them trafficking victims.

She also noted that many of the Uzbeks do not understand that they are literally being "sold" by recruiters to employers, and sometimes employers refuse to allow migrants to leave work sites prematurely, claiming that they had "bought" them to work for a certain period.

19. (C) Southern Kazakhstan long has been home to a large Uzbek diaspora. Abysheva noted that many traffickers in Kazakhstan are ethnic Uzbeks, and that many of the recruiters in Uzbekistan are former trafficking victims. IOM's partner NGO in Uzbekistan's Jizzakh province provided Hall with a similar explanation of how Uzbek labor migrants and trafficking victims are recruited and brought across the border.

TRAFFICKING OF UZBEK WOMEN FOR SEXUAL EXPLOITATION

110. (C) Abysheva reported that Uzbek women are also trafficked to southern Kazakhstan to work as prostitutes in brothels and saunas, often located close to the Uzbek border or in larger towns like Shymkent. She reported that some of the Uzbek women know they will end up working as prostitutes, but never anticipate that they will be forced to work more or less as sex slaves. She reported that when her organization receives information on the location of exploited women, they immediately pass the information to local authorities, which have raided approximately four brothels in southern Kazakhstan in the past year.

111. (C) Despite the raids, Abysheva maintained that law enforcement officials were often reluctant to carry out such operations and only did so under pressure from Sana Sezim and local journalists. She also accused some police officers of receiving protection money from traffickers and provided a few examples of cases when law enforcement officials refused to raid alleged brothels owned by "influential members" of the local community.

CONVICTION OF UZBEK TRAFFICKER REPORTED

112. (C) Abysheva described in detail one recent raid against a brothel in southern Kazakhstan that resulted in approximately 20 women from Uzbekistan being rescued from sexual slavery. The raid, which was carried out by local police with Sana Sezim representatives as observers, was reportedly initiated after Abysheva wrote a complaint letter to the local Prosecutor. After the raid, one of the rescued women was temporarily housed by Sana Sezim in Shymkent before being transferred to a trafficking victims' shelter in Tashkent, which is operated by IOM and funded by USAID. Abysheva did not know the fate of the other Uzbek women, as they either escaped the brothel during the raid or left Kazakhstan shortly afterwards.

113. (C) Abysheva added that the Uzbek recruiter who allegedly lured the women to Kazakhstan, Ilhom Yusupov, was being prosecuted by Uzbek authorities for his role in the crime. On the other hand, she noted that Kazakhstani authorities have so far refused to bring charges against Yusupov's Kazakhstani accomplice - Elmira, the madam of the brothel - claiming that they could only charge her if they had direct evidence that she received money from Yusupov. Abysheva observed that Uzbek authorities in general were more aggressive in prosecuting alleged traffickers than Kazakhstani authorities.

114. (C) On October 8, the Russian Regnum news agency

reported that the Chilonzor district criminal court in Tashkent convicted Ilhom Yusupov and three female accomplices of trafficking 20 women from Uzbekistan to Kazakhstan and sentenced them to between 10 to 14 years' imprisonment under criminal code article 135 (human trafficking). According to the article, the criminal group received 300,000 soums (230 dollars) from their Kazakhstani accomplices for each woman that was trafficked.

SOUTHERN KAZAKHSTAN LACKS SHELTER FOR TRAFFICKING VICTIMS

¶15. (C) Abysheva noted with regret that there was still no shelter in southern Kazakhstan for trafficking victims. Sana Sezim representatives have occasionally housed trafficking

victims in their private residences or temporarily rented apartments for them in Shymkent. Abysheva recognized that such measures were inadequate, as trafficking victims needed special psychological counseling and medical care that only a professional shelter could provide.

TREATMENT OF ILLEGAL MIGRANTS BY AUTHORITIES

¶16. (C) Abysheva explained that Uzbeks do not need a visa to enter Kazakhstan and may remain in the country for up to 90 days, although they are required to register with Kazakhstani authorities within 5 days of arrival. Few migrants reportedly bother to register with Kazakhstani authorities, and all migrants become illegal as soon as they begin working. According to Abysheva, Kazakhstani authorities routinely detain Uzbek migrants, particularly those without documentation, though Uzbek migrants have reportedly paid bribes to escape detention. Detained migrants are held at a special detention facility in southern Kazakhstan for up to 30 days before they are deported to Uzbekistan. According to Abysheva, Kazakhstani authorities keep records on deportees, and those who have been deported three times are permanently banned from re-entering Kazakhstan.

¶17. (C) Abysheva could not describe conditions at the detention facility, as authorities have not allowed independent organizations to monitor it. However, she reported hearing incidences of Kazakhstani employers, including alleged traffickers, visiting the detention facility and negotiating with Kazakhstani authorities to "buy back" their Uzbek "employees."

AMNESTY FOR ILLEGALS?

¶18. (C) Abysheva explained that the Kazakhstani government passed a law in December 2006, which enabled roughly 3,000 Uzbek migrants to legalize their status in Kazakhstan and granted them the right to work for three years. However, the law applied only to those who had entered Kazakhstan within two months of the law being passed, and thus, did not apply to the vast majority of Uzbek migrants in Kazakhstan. She knew of no plans for the Kazakhstani government to offer another amnesty for illegal migrants in 2009, but favored such an approach. Abysheva observed that Kazakhstan had immigration quotas for skilled workers, but not for unskilled laborers.

CHILD LABOR IN SOUTHERN KAZAKHSTAN

¶19. (C) Abysheva reported that most examples of child labor in southern Kazakhstan were Uzbek children coming across the border with their parents to work in agriculture, particularly in the fall and the spring. Incidences of child labor were reportedly highest in the Saryagash and Maktakal regions of Southern Kazakhstan province. Children - some as young as seven, but mostly older than 12 - picked primarily cotton, tobacco, and fruit. Abysheva noted that tobacco picking was especially bad for the health of children. The Kazakhstani government has promulgated a list of banned forms

of child labor, which includes tobacco picking but not cotton picking (Note: A similar list, which includes cotton picking, was issued in Uzbekistan in 2001, but it is not enforced. End note) She also reported incidences of child labor in southern Kazakhstan involving Kazakhstani children, but explained it was far less prevalent than incidences involving Uzbek children (Comment: While driving through southern

Kazakhstan during the 2007 cotton harvest, poloff was told by a pair of students that "Kazakhstani children never pick cotton, that is what Uzbek children are for." End comment.)

120. (C) Abysheva reported that she has had some cooperation on addressing child labor issues with authorities, including roundtables with local law enforcement and education officials. She noted that one of the main obstacles encountered by her organization was that the use of child labor is largely tolerated by society, as many adults in Kazakhstan worked as children (Note: Many adults in Uzbekistan share similar attitudes. End note.)

MEETING WITH KAZAKHSTANI AND UZBEK FARMERS

121. (C) After the meeting in Shymkent, Hall Qwith Myrzadadyr Abdykhalykov, a farmer from the Zhetysai district of Southern Kazakhstan province and head of the Center for the Support of Agriculture and Entrepreneurs. The meeting took place at the home of Abdykhalykov's relatives, who live in a village in Uzbekistan's Tashkent province near the Kazakhstani border. Abdykhalykov's relative, an Uzbek farmer, also joined the discussion. Abdykhalykov explained that his NGO assists farmers in using modern agricultural techniques, including more efficient irrigation techniques and organic farming. His organization, which is currently partnering with Sana Sezim on a labor migration monitoring project, has previously received funding from USAID. Abdykhalykov also has participated in two professional exchanges with the United States.

STRICTER BORDER CONTROLS LEADING TO DECREASED MIGRATION?

122. (C) Abdykhalykov noted that Uzbek labor migrants traveled to Kazakhstan primarily to sow fields in the spring and to participate in the fall harvest. In the spring, the majority of Uzbek labor migrants reportedly come from Uzbekistan's Jizzakh, Syrdarya, and Tashkent provinces, which border Southern Kazakhstan province, but greater numbers of labor migrants come from all over Uzbekistan during the fall harvest. However, Abdykhalykov observed that labor migration from Uzbekistan to Kazakhstan had decreased in the last few years due to increased border controls instituted by both Uzbekistan and Kazakhstan. A few years ago, it was reportedly easier for Uzbek migrants to illegally cross the border, which some did in order to avoid paying bribes to border officials. Abdykhalykov believed that the increased controls on both sides of the border, including the erecting of new fences and increased patrols, was primarily aimed at combating smuggling and narcotics trafficking. These days, he reported that the vast majority of Uzbek labor migrants crossed the border legally.

123. (C) Abdykhalykov reported that labor migrants were recruited in Uzbekistan and shepherded across the border in groups of 15 to 20 by Uzbek middlemen, who reportedly paid bribes to Uzbek customs officials of approximately 10,000 soums (7.70 dollars) per person, with Kazakhstani border authorities receiving slightly less. Afterwards, the migrants are "matched" with Kazakhstani employers. Abdykhalykov denied that most of the Uzbek labor migrants were "trafficked," arguing instead that they were ultimately able to choose for whom they worked and under what conditions (Comment: Abdykhalykov, a Kazakhstani farmer who hired Uzbek labor migrants and knew many other Kazakhstani farmers who did the same, clearly had a different perspective on the issue than Abysheva. End comment.)

FARMER REPORTS IMPROVING CONDITIONS FOR MIGRANTS

¶24. (C) Abdykhalykov argued that Kazakhstani employers have been forced in the last few years to improve living conditions for Uzbek migrants due to a greater competition for their labor. He noted that Uzbek labor migrants in southern Kazakhstan used to live in tents or other make-shift shelters, but now were often being provided temporary housing by their employers. He reported that conditions were generally better for migrants in the Maktakal region, where his farm was located, but were worse in Saryagash region, where he said migrants were sometimes not paid or were provided inadequate food or water. He also reported incidences of Uzbek labor migrants being beaten, though he believed such incidences were rare and decreasing.

¶25. (C) Abdykhalykov observed that demand for labor in southern Kazakhstan was increasing as the amount of cotton grown in the region was increasing each year. At the same time, he believed Uzbek authorities were making greater efforts to keep adult laborers in Uzbekistan during the cotton harvest. He also believed that Kazakhstani authorities understood that their region was dependent upon Uzbek migrant labor and therefore did not seek to discourage it too actively. He reported that police occasionally checked documents, carried out raids, and detained individuals without appropriate documentation, but he noted that such actions largely did not affect the majority of illegal Uzbek migrants in southern Kazakhstan. He also reported that Uzbek labor migrants paid bribes to Kazakhstani police.

LABORERS STILL PAID MORE IN KAZAKHSTAN, BUT GAP NARROWING

¶26. (C) Abdykhalykov and his relative said that Uzbek laborers were still being paid more during the cotton harvest in Kazakhstan than Uzbekistan, but they observed that the gap was beginning to narrow. They said that laborers in Kazakhstan were paid between 110 to 120 soums (between .08 and .09 dollars) per kilo of cotton versus an average of only 80 soums (.06 dollars) per kilo in Uzbekistan (Note: The 80 soums per kilo figure matched what poloff was told by human rights activist on October 2 in Uzbekistan's Syrdarya province, ref tel. End note.) However, they reported that wealthier farmers in Uzbekistan were beginning to pay adult laborers higher wages, with some of them now receiving as much as 100 soums (.07 dollars) per kilo, an amount they believed was adequate to keep laborers in Uzbekistan (Comment: The local ILO representative in Tashkent also had told poloff that there were farmers in Uzbekistan who paid high enough salaries to attract adult laborers for the cotton harvest and therefore did not rely on conscripted student labor. Before her departure from Uzbekistan in August, the representative was hoping to organize a project to share the best practices of those farmers with others. End comment.) However, Abdykhalykov and his relative noted that the majority of Uzbek farmers still could not afford to pay laborers so much, and those farmers were still dependent upon local authorities to provide conscripted student labor to pick their cotton.

CHILD LABOR IN UZBEKISTAN

¶27. (C) Abdykhalykov's relative reported that Uzbek authorities conscripted mostly older students (from the ninth grade and up) to pick cotton. For example, his son was in the eighth grade and was still in school. In his region, Abdykhalykov's relative said rice was grown more than cotton, and local farmers generally relied on adult laborers, rather than students, to collect their cotton. However, he noted that other regions where cotton was grown in greater abundance depended more heavily on conscripted student labor. He explained that the extent of such student labor varied

considerably from region to region and was also partly dependent upon the whims of local authorities.

LEVELS OF MECHANIZATION REPORTEDLY HIGHER IN UZBEKISTAN

¶28. (C) Interestingly, Abdykhalykov reported that rates of agricultural mechanization were higher on the Uzbek than the Kazakhstani side of the border - even though the Kazakhstani side was wealthier - because Uzbek farms inherited more combines and tractors from the Soviet Union. He also reported that farmers in Kazakhstan still found it cheaper to use manual labor than to invest in greater mechanization.

COMMENT

¶29. (C) Abysheva and Abdykhalykov provided somewhat contrasting - but ultimately both useful - perspectives on the overlap between labor migration, human trafficking, and child labor in southern Kazakhstan. Whether rates of labor migration from Uzbekistan to Kazakhstan have increased or decreased in the past year, it is clear that significant numbers of Uzbeks are still seeking work in southern Kazakhstan - especially as economic conditions in Uzbekistan continue to deteriorate - and some of these migrants are becoming victims of trafficking for both labor and sexual exploitation. The illegal status of most Uzbek labor migrants in Kazakhstan has made them prey for unscrupulous employers and corrupt law enforcement officials. While efforts by NGOs like Sana Sezim are critical for increasing awareness among Uzbek labor migrants of their legal rights, both the Uzbek and Kazakhstani governments clearly have a greater role to play in coordinating their efforts to protect labor migrants, prosecute traffickers, aid victims, and collect statistics.

¶30. (C) The issue of labor migration is also tightly intertwined with the phenomenon of child labor in both southern Kazakhstan and Uzbekistan. As long as salaries for agricultural laborers remains significantly higher in Kazakhstan than in Uzbekistan, Uzbek adult laborers will continue to travel to southern Kazakhstan (some with their children) during the cotton harvest, leaving students behind to pick cotton in Uzbekistan.

¶31. (U) This message has been cleared by Embassy Astana.
NORLAND